

IN THE  
**Supreme Court of the United States** DAVIS, CL

DEC 8 196

October Term 1969

No. ~~700~~ **51**

ARCHIE WILLIAM HILL, JR.,

*Petitioner,*

*vs.*

STATE OF CALIFORNIA,

*Respondent.*

On Writ of Certiorari to the Supreme Court of  
the State of California.

Opposition to Motion for Leave to File  
Brief Amicus Curiae.

THOMAS C. LYNCH,  
*Attorney General of the  
State of California,*

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*Assistant Attorney General of the  
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State of California,*

600 State Building,  
217 West First Street,  
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*Attorneys for Respondent.*

IN THE  
**Supreme Court of the United States**

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October Term 1969  
No. 730

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ARCHIE WILLIAM HILL, JR.,

*Petitioner,*

*vs.*

STATE OF CALIFORNIA,

*Respondent.*

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On Writ of Certiorari to the Supreme Court of  
the State of California.

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**Opposition to Motion for Leave to File  
Brief Amicus Curiae.**

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Respondent hereby opposes the Motion for Leave to File Brief Amicus Curiae filed by Keith C. Monroe, Esq. Respondent's opposition is based upon the following grounds:

1. Mr. Monroe has not advanced any substantial interest that he has in the present case. He states that he wishes to support petitioner because he represents a defendant in criminal proceedings pending in the Los Angeles Superior Court and that the proceedings involve the issue of the retroactivity of this Court's decision in *Chimel v. California*, 395 U.S. 752, an issue which this Court may reach in the present case. This interest on the part of Mr. Monroe does not distinguish

him from most of the thousands of other attorneys engaged in criminal practice in the United States.

2. The motion is not timely filed. Rule 42(2) of the Rules of this Court requires that the brief of an amicus curiae be "presented within the time allowed for the filing of the brief of the party supported." The Petition for Writ of Certiorari in the present case was filed on March 7, 1969, and certiorari was granted October 13, 1969. Petitioner's Brief and Respondent's Brief have both been filed with this Court.

3. In view of the fact that Respondent's Brief has already been filed, the filing of a Brief Amicus Curiae would cause unnecessary expense to respondent, in that respondent would probably have to file a Reply Brief to the Brief Amicus Curiae.

4. In view of the circumstances set forth in paragraphs (2) and (3) herein, the filing of a Brief Amicus Curiae would substantially delay disposition of the present case which, the Clerk has informed respondent, is tentatively scheduled for oral argument on the January calendar. This is so despite Mr. Monroe's representation that he would file his brief within ten days of the Court's granting his motion.

5. Mr. Monroe's motion does not indicate any substantial facts or questions of law that have not been adequately presented by petitioner, whom he seeks to support. See Rule 42(3). In fact, the major portion of Mr. Monroe's motion is directed to an issue purportedly arising under the Fifth Amendment—an issue which is improperly raised before this Court since it was not raised or decided in any of the state courts and further was not specified in the Petition for Writ of Certiorari. (See Resp. Br. p. 28.)

For the foregoing reasons respondent submits that the Motion for Leave to File Brief Amicus Curiae should be denied.

Respectfully submitted,

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